

REMARKS

Claims 1-4 and 6-54 are currently pending in this application. Claims 1, 25, and 26 are independent claims. Claim 5 has been cancelled and new claims 46-54 have been added. Claim 25 has been withdrawn. No new matter has been added.

Examiner Interview Summary

The Examiner is thanked for the courtesies extended during the September 8, 2010 telephonic interview with Examiner Nguyen and Applicant's representative David Cho. No agreement was reached regarding the interpretation of the Brewster reference, or regarding possible claim amendments that would place the application in condition for allowance.

Applicants respectfully submit that the amendments to independent claims 1 and 26 further distinguish over the prior art, in particular Brewster. Applicants further respectfully submit that newly-added dependent claims 46-54 recite additional features of example embodiments that are neither taught nor suggested by Brewster. Applicants invite the Examiner to contact the undersigned prior to issuance of a subsequent paper to discuss the additional amendments, arguments, and claim additions presented herein.

Example Embodiments

Example embodiments are directed to advancements in the art of distributed information, processing, and capability in the field of animal feeding. Example embodiments are directed to a feeding system for feeding animals on a farm including an analyzer device for measuring, in real-time or near real-time, an amount of at least one constituent of solid feed to be fed to the animals. The feeding system may further

include a control device configured to control the analyzer device to repeatedly measure the amount of the constituent of the solid at least once a day wherein the amount of said constituent includes any one of a protein content, a fiber content, and a neutral detergent fiber (NDF) content. Further, the controller device is configured to control the feeding device to feed the animals repeatedly and at each instance based on the previous said repeated performed measurements.

In example embodiments, the animals, analyzer device, and a feeding device are colocated, which permits more accurate analysis and control of the feed provided to the animals. In example embodiments, the amount of the at least one constituent of the solid feed is measured and the animals are fed in real time, in situ, in the field, for example, on the farm.

Example embodiments provide the ability to analyze and change the feed ration (and/or the ingredients contained therein), in situ, in the field with the animals. This is in contrast to prior art systems, for example, Brewster, wherein the only person that may change the feed ration is the nutritionist (see Brewster, col. 20, lines 40-43), who is neither colocated with the animals, the analyzer, nor the feeding device.

Claim Rejections – 35 U.S.C. §102

Claims 1-3, 5, 6, 10, 11, 13, 18, 20, 23, 24, 26, 27-32, 34, 37-41 and 43 stand rejected under 35 U.S.C. §102(b) as being anticipated by Brewster et al. (U.S. Patent No. 5,878,402).

Applicants respectfully submit that independent claim 1 recites a feeding system for feeding animals on a farm comprising an analyzer device for measuring in real time or near real time an amount of at least one constituent of solid feed to be fed to said animals. In order to reject this claim, the Examiner relies col. 6, lines 20-28,

col. 9, lines 31-45, col. 10, all lines, and col. 12, all lines. However, Applicants respectfully submit that these passages merely refer to a feedbunk reader, not analyzer device for measuring "at least one constituent of feed". Instead, all the feedbunk reader is capable of is measuring the type or amount of feed. Accordingly, Applicants respectfully submit that independent claim 1 is allowable for at least this reason.

Further, independent claim 1 has been amended to include subject matter from claim 5, namely the amount of said constituent includes any one of a protein content, a fiber content, and a neutral detergent fiber (NDF) content. In order to teach this feature, the Examiner relies on col. 14, lines 30-35 of Brewster. However, in the passage relied upon by the Examiner, Brewster merely discusses recording, in a rationing ingredients field of a rationing code program, dry matter content, not actually measuring dry matter content. Accordingly, applicants respectfully submit that independent claim 1, as amended, is allowable over Brewster for at least this additional reason.

With respect to dependent claim 2, Applicants respectfully submit that this claim recites that the control device is configured to control said analyzer device to measure the amount of said constitute of said solid feed *immediately prior to the feeding of said animals*. In order to reject this claim, the Examiner relies on col. 11, lines 35-41 of Brewster. However, Applicants respectfully submit that this passage merely states "at particular stages of the feed ration assignment and delivery process, each of these computer systems will typically wait to receive particular data files before advancing the feed ration assignment and the delivery process ...". Applicants respectfully assert there is no description or discussion of measuring the amount of constituent of the feed immediately prior to feeding the animals. Accordingly,

Applicants respectfully submit that dependent claim 2 is allowable over Brewster for at least this reason.

With respect to dependent claim 3, Applicants respectfully assert that this claim recites the control device is configured to control said analyzer device to measure the amount of said constituent of said solid feed a plurality of times per day. In order to reject this claim, the Examiner relies on col. 13, lines 25-31 and col. 14, lines 1-4 and 40-43 of Brewster. Applicants respectfully assert that these passages do not teach or suggest “measuring” the amount of constituent of feed a plurality of times per day. These passages merely discuss “assigning” and “delivering” the adjusted amount of feed during various feed cycles. Accordingly, Applicants respectfully submit that dependent claim 3 is allowable over Brewster for at least this additional reason.

With respect to dependent claim 13, Applicants respectfully assert that this claim recites the animals are grouped in different groups, such that the control device is configured to control said feed device to feed different groups of animals the total mixed rations (TMR) of solid feed independently and in accordance with the performed measurements. In order to reject this claim, the Examiner relies on col. 12, lines 9-67, which description, Applicants respectfully assert these passages describe only an individual animal. Accordingly, Applicants respectfully submit that this passage of Brewster cannot teach or suggest the feature of dependent claim 13.

With respect to independent claim 26, Applicants respectfully assert that this claim recites the use of a feeding system for feeding animals on a farm comprising an analyzer device for measuring in real time or near real time an amount of at least one constituent of solid feed to be fed to said animals. In order to reject this claim, the Examiner relies col. 6, lines 20-28, col. 9, lines 31-45, col. 10, all lines, and col. 12, all lines. However, Applicants respectfully submit that these passages merely refer to a

feedbunk reader, not analyzer device for measuring "at least one constituent of feed". Instead, all the feedbunk reader is capable of is measuring the type or amount of feed. Accordingly, Applicants respectfully submit that independent claim 26 is allowable for at least this reason.

Further, independent claim 26, has been amended to include subject matter from claim 5, namely the amount of said constituent includes any one of a protein content, a fiber content, and a neutral detergent fiber (NDF) content. In order to teach this feature, the Examiner relies on col. 14, lines 30-35 of Brewster. However, in the passage relied upon by the Examiner, Brewster merely discusses recording, in a rationing ingredients field of a rationing code program, dry matter content, not actually measuring dry matter content. Accordingly, applicants respectfully submit that independent claim 26, as amended, is allowable over Brewster for at least this additional reason.

With respect to dependent claim 27, Applicants respectfully submit that this claim recites an analyzer control device to control the analyzer device to measure the amount of the constituent of the solid feed repeatedly and at least once a day, and the feed control device for controlling the feed device to feed said animals repeatedly and at each instance based on the previous and repeatedly performed measurements. In order to reject this claim the Examiner relies on col. 6, lines 20-28, col. 9, lines 31-45, col. 10, all lines, and col. 12, all lines. However, Applicants respectfully submit that the feedbunk reader of Brewster is not an analyzer device for measuring "at least one constituent" of the feed, but instead measures only the type or amount of the feed. Accordingly, Applicants respectfully submit that dependent claim 27 is allowable for at least this additional reason.

With respect to dependent claim 28, Applicants respectfully submit that this claim recites the control device is configured to control said analyzer device to measure the amount of said constituent of said solid feed at least three times per day. In order to reject this claim, the Examiner relies on col. 13, lines 25-31 and col. 14, lines 1-4 and 40-43 of Brewster. However, Applicants respectfully assert that these passages describe assigning and delivering the adjusted amount of feed during various feed cycles and not measuring the amount of said constituent. Accordingly, Applicants respectfully assert dependent claim 28 is allowable for at least this additional reason.

With respect to dependent claim 29, Applicants respectfully submit that this claim recites the analyzer device measures the amount of at least one constituent of solid feed to be fed to said animals at different locations in a feed supply device. Applicants respectfully submit that Brewster teaches absolutely nothing with respect to measuring the amount of at least one constituent of solid feed to be fed to said animal at different locations in a feed supply device. Accordingly, Applicants respectfully submit that dependent claim 29 is allowable over Brewster for at least this additional reason.

With respect to dependent claim 34, Applicants respectfully submit that this claim recites the analyzer device measures all the constituents of the solid feed to provide more accurate ration balancing and maximize production. In order to reject this claim, the Examiner relies on col. 6, lines 5-15, col. 11, lines 30-65, col. 13, lines 5-68, and col. 14, line 1-65. Applicants respectfully assert that none of the passages set forth above by the Examiner teach or suggest measuring "all" constituents. Accordingly, Applicants respectfully submit that dependent claim 34 is allowable over Brewster for at least this additional reason.

With respect to dependent claim 37, Applicants respectfully submit that this claim further recites that the control device is configured to control said analyzer device to measure the amount of said constituent of said solid feed immediately prior to the feeding of said animals. In order to reject this claim, the Examiner relies on col. 11, lines 35-41, which Applicants assert nowhere teaches or suggests this feature. Accordingly, Applicants respectfully submit that dependent claim 37 is allowable over Brewster for at least this reason.

With respect to dependent claim 38, Applicants respectfully assert that this claim recites that the control device is configured to control said analyzer device to measure the amount of said constituent of said solid feed a plurality of times per day. In order to reject this claim, the Examiner relies on col. 13, lines 25-31 and col. 14, lines 1-4 and 40-43 of Brewster. Applicants respectfully assert that these passages do not teach or suggest “measuring” the amount of constituent of feed a plurality of times per day. These passages merely discuss “assigning” and “delivering” the adjusted amount of feed during various feed cycles. Accordingly, Applicants respectfully submit that dependent claim 38 is allowable over Brewster for at least this additional reason.

With respect to dependent claim 39, Applicants respectfully submit that this claim recites the control device is configured to control said analyzer device to measure the amount of said constituent of said solid feed at least three times per day. In order to reject this claim, the Examiner relies on col. 13, lines 25-31 and col. 14, lines 1-4 and 40-43 of Brewster. However, Applicants respectfully assert that these passages describe assigning and delivering the adjusted amount of feed during various feed cycles and not measuring the amount of said constituent. Accordingly, Applicants respectfully assert dependent claim 39 is allowable for at least this additional reason.

With respect to dependent claim 40, Applicants respectfully submit that this claim recites the analyzer device measures the amount of at least one constituent of solid feed to be fed to said animals at different locations in a feed supply device. Applicants respectfully submit that Brewster teaches absolutely nothing with respect to measuring the amount of at least one constituent of solid feed to be fed to said animal at different locations in a feed supply device. Accordingly, Applicants respectfully submit that dependent claim 40 is allowable over Brewster for at least this additional reason.

With respect to dependent claim 43, Applicants respectfully submit that this claim recites the analyzer device measures all the constituents of the solid feed to provide more accurate ration balancing and maximize production. In order to reject this claim, the Examiner relies on col. 6, lines 5-15, col. 11, lines 30-65, col. 13, lines 5-68, and col. 14, line 1-65. Applicants respectfully assert that none of the passages set forth above by the Examiner teach or suggest measuring "all" constituents. Accordingly, Applicants respectfully submit that dependent claim 43 is allowable over Brewster for at least this additional reason.

In light of the above remarks, reconsideration and withdrawal of the rejection of claims 1-3, 5, 6, 10, 11, 13, 18, 20, 23, 24, 26, 27-32, 34, 37-41 and 43 is respectfully requested.

Claim Rejections – U.S.C. §103

Claims 4, 12, 14-16, 19, and 33 stand rejected under 35 U.S.C. §103(a) as being anticipated by Brewster et al. as applied to claim 1 above, and further in view of Birk (U.S. Patent No. 7,308,866).

Applicants respectfully submit that Birk fails to make up for the deficiencies discussed above with respect to Brewster as applied to independent claim 1.

Accordingly, Applicants respectfully submit dependent claims 4, 12, 14-16, 19, and 33 are allowable at least by virtue of their dependency on independent claim 1, for at least the reasons set forth above.

In light of the above remarks, reconsideration and withdrawal of the rejection of claims 4, 12, 14-16, 19, and 33 is respectfully requested.

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Brewster et al. as applied to claim 1 above, and further in view of Ulman et al. (U.S. Patent No. 6,234,111).

Applicants respectfully submit that Ulman fails to make up for the deficiencies discussed above with respect to Brewster as applied to independent claim 1. Accordingly, Applicants respectfully submit dependent claim 7 are allowable at least by virtue of their dependency on independent claim 1, for at least the reasons set forth above.

In light of the above remarks, reconsideration and withdrawal of the rejection of claim 7 is respectfully requested.

Claims 8, 9, 35, 36, 44 and 45 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brewster et al. as applied to claim 1 above, and further in view of Beck (U.S. Patent Publication No. 2005/0000457).

Applicants respectfully submit that Beck fails to make up for the deficiencies discussed above with respect to Brewster as applied to independent claim 1. Accordingly, Applicants respectfully submit dependent claims 8, 9, 35, 36, 44 and 45 are allowable at least by virtue of their dependency on independent claim 1, for at least the reasons set forth above.

In light of the above remarks, reconsideration and withdrawal of the rejection of claims 8, 9, 35, 36, 44 and 45 is respectfully requested.

Claims 17 and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brewster et al. as applied to claim 1 above, and further in view of Palmer (U.S. Patent No. 4,517,923).

Applicants respectfully submit that Palmer fails to make up for the deficiencies discussed above with respect to Brewster as applied to independent claim 1. Accordingly, Applicants respectfully submit dependent claims 17 and 21 are allowable at least by virtue of their dependency on independent claim 1, for at least the reasons set forth above.

In light of the above remarks, reconsideration and withdrawal of the rejection of claims 17 and 21 is respectfully requested.

Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Brewster et al. as applied to claim 1 above, and further in view of Legrain (U.S. Patent No. 5,355,833).

Applicants respectfully submit that Legrain fails to make up for the deficiencies discussed above with respect to Brewster as applied to independent claim 1. Accordingly, Applicants respectfully submit dependent claim 17 is allowable at least by virtue of their dependency on independent claim 1, for at least the reasons set forth above.

In light of the above remarks, reconsideration and withdrawal of the rejection of claim 17 is respectfully requested.

New Claims

Applicants respectfully direct the Examiner's attention to new claims 46-54 which are directed to additional features of example embodiments of the present invention, none of which are suggested by Brewster. In particular, Applicants direct

the Examiner's attention to new claims 46-54 which are directed to various features of the food mixture and mixing of the food mixture and how the various food mixtures are obtained and distributed to different groups of animals, as well as their content.

Applicants further direct the Examiner's attention to new claims 52-54, which Applicants believe further highlight the advancement in the art of example embodiments of the present invention in the area of distributed information, processing, and capability in the field of animal feeding. In particular, example embodiments of the present invention include "in situ" and/or "real time" features, which are neither taught nor suggested by Brewster. In particular, dependent claim 52 recites that at least the animals, the analyzer device, and the feeding device are colocated. This feature is neither taught nor suggested by Brewster. Dependent claim 53 recites that the animals, the analyzer device, and the feeding device are in situ. This feature is also neither taught nor suggested by Brewster. Finally, dependent claim 54 recites that the amount of the at least one constituent of the solid feed is measured and the animals are fed in real time in situ. This feature is neither taught nor suggested by Brewster. Accordingly, Applicants respectfully submit that dependent claims 46-54 are allowable for the additional reasons set forth above, as well as each of the dependency on independent claim 1.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-24 and 26-54 in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a two (2) month extension of time for filing a reply to the outstanding Office Action and submit the required \$490 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

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By

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